

REMARKS

Claims 2-5 and 7-19 are pending in this application. By this Amendment, claims 11, 14, and 15 are amended; claim 6 is canceled without prejudice to or disclaimer of the subject matter contained therein; and claim 19 is added. No new matter is added. Claims 11, 15, and 19 are the independent claims.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicant's Initiated Interview Summary

The courtesies extended to Applicant's representative, David J. Cho, Reg. No. 48,078, during an in-person interview with Examiner Herring and Primary Examiner Canfield conducted on August 24, 2009, are acknowledged and appreciated. The substance of the interview is set forth in the Examiner's Interview Summary and in the following Applicant Initiated Interview Summary. As required by 37 C.F.R. § 1.133(b), Applicant's summary of that interview is as follows:

1. Brief Description of any Exhibit Shown

An exhibit (i.e., a film sequence of the fastening the retainer and anchoring members) was shown or demonstrated during the interview of August 24, 2009.

2. Identification of the Claims Discussed

The Examiner and Applicant's representative discussed independent claims 11 and 15.

3. Identification of the Specific Prior Art Discussed

The Examiner and Applicant's representative discussed the Jansson reference (U.S. Patent no. 5,493,831) and the Knight et al. reference (U.S. Patent no. 4,953,535).

4. Identification of the Proposed Amendments

As presented above in the instant amendment, Applicant's representative and the Examiner discussed amending the independent claims to more clearly define the relationship between retainer and anchoring member.

5. Summary of the Arguments Presented to the Examiner

Applicant's representative presented arguments regarding the failure of the Jansson reference to disclose the subject matter of independent claims 11 and 15. More specifically, Applicant's representative argued that the Jansson reference fails to disclose or suggest the "articulated" connection between the retainer member and the anchoring member. Applicant's representative also argued that the Knight reference fails to disclose the articulated connection. The remainder of the interview was directed to discussing a level of recitation needed to clearly define this relationship, thereby obviating the rejection based on the Jansson and the Knight references.

6. General Outcome of the Interview

As indicated in the Interview Summary dated August 24, 2009, an agreement between the Examiner and Applicant's representative was generally reached. In particular, it was agreed that upon the discussed language being incorporated into independent claims 11 and 15, the claims would overcome the current art rejection and also be patentable over the cited prior art. In addition, the Examiner agreed that new claim 19 would also be patentable over the cited prior art.

Objection to the Drawings

The drawings are objected to under 37 C.F.R. 1.83(a). The drawings must show every feature of the invention specified in the claims, i.e., the serrated section of the anchoring member of claim 6.

By the instant amendment, claim 6 has been canceled, rendered the objection moot. Withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 2-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection for the reasons discussed below.

In regard to claim 14, Applicant has amended claim 14 to obviate the rejection.

In regard to claims 2-16, in the outstanding Office Action, the Examiner states:

it is unclear whether applicant intends to claim the combination of a device and a glass wall cladding comprising insulating-glass sheets, or just the device comprising a retainer member and an anchoring member....in the instant case, the claims have been examined as being drawn to the subcombination of the device comprising the retaining member and the anchoring member.

Applicant agrees with the Examiner's assessment, and submits that claims 2-18 are directed to the subcombination of the device having a retainer member and an anchoring member.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 2-5, 7-14 and 16-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,493,831 (hereinafter, "Jansson"). Nonetheless, Applicant respectfully traverses the rejection for the reasons discussed below.

As discussed and agreed during the interview, Applicant respectfully submits that the Jansson reference fails to disclose, or even suggest, *inter alia*, "wherein said

retainer member has an articulated connection to said anchoring member, one of said retainer member and said anchoring member is insertable into the other such that said anchoring member is rotatable from a first position of rest to a second position,” as recited in amended claim 11.

Instead, the Jansson reference discloses a clip 12 that cannot be inserted with respect to each other. See FIGS. 3a-3c. Accordingly, Applicant respectfully submits that the Jansson reference fails to disclose, or even suggest, *inter alia*, “one of said retainer member and said anchoring member is insertable into the other,” as recited in amended claim 11.

Therefore, contrary to the Examiner’s contention, the Jansson reference does not disclose or suggest each and every element of claim 11. Since the Jansson reference fails to disclose each and every element of claim 11, it cannot provide a basis for a rejection under 35 U.S.C. § 102(b) and, thus, is allowable. Claims 2-5, 7-10, 12-14, and 16-18 depend from claim 11 and, therefore, allowable for the similar reasons discussed above with respect to claim 11.

For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102(b) rejection of claims 2-5, 7-14 and 16-18.

Claims 11-18 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 49,535 (“Knight”). Applicant respectfully traverses this rejection for the reasons detailed below.

As discussed and agreed during the interview, Applicant respectfully submits that the Knight reference fails to disclose, or even suggest, *inter alia*, “wherein said retainer member has an articulated connection to said anchoring member, one of said

retainer member and said anchoring member is insertable into the other such that said anchoring member is rotatable from a first position of rest to a second position... wherein a portion of the anchoring member penetrates into said jointing substance,” as recited in amended claim 11.

Instead, the Knight reference is merely an ordinary hook that passes through a staple. Further, the hook of Knight cannot be used or mounted for glass slabs as it is not strong and sturdy enough to support the glass slabs. Therefore, contrary to the Examiner's contention, the Knight reference does not disclose or suggest each and every element of claim 11. Since the Knight reference fails to disclose each and every element of claim 11 and 15, it cannot provide a basis for a rejection under 35 U.S.C. § 102(b) and, thus, are allowable. For at least these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102(b) rejection of claims 11-18.

Claim Rejections - 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansson in view of US Patent No. 4,766,709 (hereinafter, “Galbraith”). Applicant respectfully traverses this rejection for the reasons detailed below.

Claim 6 is believed to be allowable for at least the reasons set forth above regarding claim 11. The Galbraith reference fails to provide the teachings noted above as missing from the Jansson reference. For example, the Galbraith reference discloses that the anchor brackets 21 are fixed to the frame 11, such as by welding. (*See col. 6, lines 51-53 of the Galbraith reference*). Since claim 6 is patentable at least by virtue of their dependency on independent claim 11, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

NEW CLAIMS

New claim 19 has been added in an effort to provide further, different protection for Applicant's invention. New claim 19 is allowable at least for the reasons somewhat similar to those given for claims 11 and 15 and/or for the further features recited therein. For instance, claim 19 recites "*one of said retainer member and said anchoring member is insertable into the other such that said anchoring member is rotatable from a first position to a second position.*"

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant hereby petitions for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$245 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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